

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Martin Edward Hussak,
Petitioner,

v.

Charles L Ryan, et al.,
Respondents.

No. CV-15-00716-PHX-DLR

ORDER

Pending before the Court are Petitioner Martin Hussak's Petition for Writ of Habeas Corpus and Magistrate Judge John Boyle's Report and Recommendation ("R&R"). (Docs. 1, 21.) The R&R recommends that the Court deny the Petition. (Doc. 21 at 15.) The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. (*Id.* at 16 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

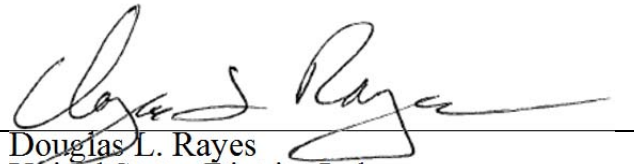
Neither party filed objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court has nonetheless reviewed the R&R and agrees with Magistrate Judge Boyle's

1 recommendations. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C.
2 § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in
3 part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3)
4 (“The district judge may accept, reject, or modify the recommended disposition; receive
5 further evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED** that Magistrate Judge Boyle’s R&R (Doc. 21) is **ACCEPTED**,
7 Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**, a Certificate of
8 Appealability is **DENIED**, and Petitioner may not proceed in forma pauperis on appeal.
9 The Clerk shall terminate this action.

10 Dated this 6th day of May, 2016.

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Douglas L. Rayes
United States District Judge